



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Virginia Ecological Services Field Office

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Consultation Code: 05E2VA00-2015-SLI-3127

August 20, 2015

Event Code: 05E2VA00-2015-E-03417

Project Name: Elbow Road Expansion

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

#### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Elbow Road Expansion

## Official Species List

**Provided by:**

Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
(804) 693-6694  
<http://www.fws.gov/northeast/virginiafield/>

**Consultation Code:** 05E2VA00-2015-SLI-3127

**Event Code:** 05E2VA00-2015-E-03417

**Project Type:** FILL

**Project Name:** Elbow Road Expansion

**Project Description:** City of Va. Beach - 2.2 miles proposed to impact 3.962 acres of non-tidal jurisdictional features including forested, scrub shrub, and emergent wetlands; open waters; and waters of the United States.

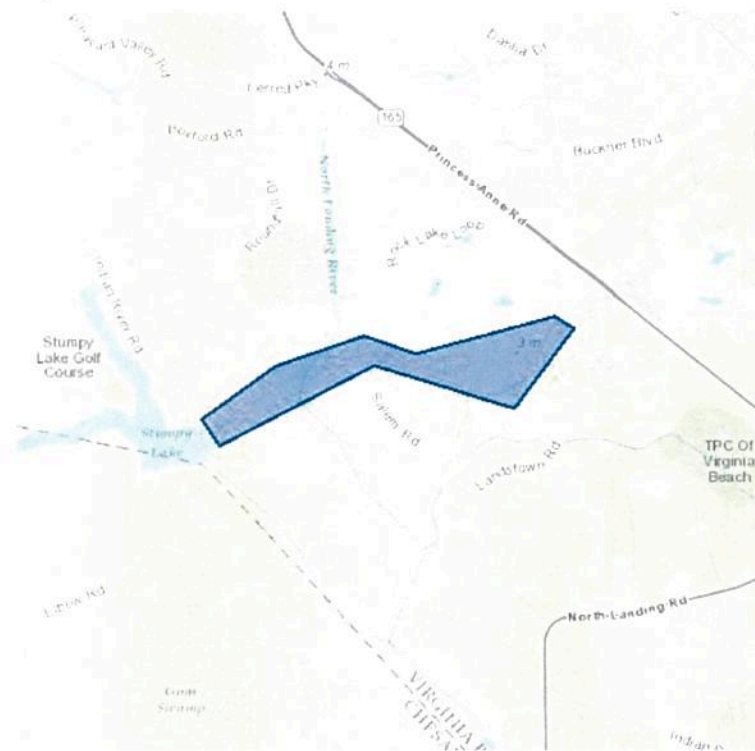
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



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### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-76.14383697509766 36.761647632271576, -76.14151954650879 36.758828349727025, -76.12117767333984 36.767217129764155, -76.10289573669434 36.762816572690234, -76.09517097473145 36.77120491648816, -76.09757423400879 36.7723737112236, -76.11568450927734 36.768523496533454, -76.12263679504395 36.7703798741823, -76.13405227661133 36.767217129764155, -76.14383697509766 36.761647632271576)))

**Project Counties:** Virginia Beach, VA



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## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



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## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

## Species Conclusions Table

Scharlene Floyd	Elbow Rd Expansion in Va. Beach
8/20/2015	NAO-04-1985 / 15-V0813

The proposed work consists of road expansion and bridge replacement along a 2.2 mile corridor impacting 3.962 acres of non-tidal waters of the United States.

Species Under the Jurisdiction of FWS:

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Northern long-eared bat (Myotis septentrionalis)	Potential habitat present and no current survey conducted	May affect	hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.  During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds."	
<b>Eagles (Haliaeetus leucocephalus)</b>				
Eagle Nests				
Eagle Concentration Areas				
<b>Critical Habitat</b>				
N/A				
<b>Other (species not listed above)</b>				
<b>Species Under the Jurisdiction of NOAA/NMFS</b>				
Essential Fish Habitat				
Anadromous Fish Use Area				
Subaquatic Vegetation				
HAPC Sandbar Shark				
Atlantic Sturgeon				

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